

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSEPHINE DOUGLAS,

Plaintiff,

vs.

No. 2:24-cv-00505-MLG-KRS

THE EVANGELICAL LUTHERAN
GOOD SAMARITAN SOCIETY d/b/a
GOOD SAMARITAN SOCIETY
BETTY DARE, and SANFORD HEALTH
FOUNDATION,

Defendants.

**ORDER GRANTING DEFENDANTS' UNOPPOSED MOTION
FOR LEAVE TO FILE FIRST AMENDED ANSWER TO COMPLAINT**

THIS MATTER is before the Court on the Unopposed Motion for Leave to File First Amended Answer to Complaint filed by Defendants The Evangelical Lutheran Good Samaritan Society and Sanford Health. (Doc. 29).

Noting the agreement of the parties, the Court finds that the standard for allowing an amendment to the pleadings has been met. *See* Fed. R. Civ. P. 15(a)(2) (court should freely give leave to amend when justice so requires).

Nevertheless, the Scheduling Order provides that Defendants had until November 11, 2024 to seek to amend pleadings and join additional parties. Accordingly, Defendants must also show good cause to amend the Scheduling Order and excusable neglect for seeking to amend the deadline in question after its expiration. *See* Fed. R. Civ. P. 16(b)(4) (“A schedule may be modified only for good cause”); Fed. R. Civ. P. 6(b)(1)(B) (a deadline may be extended after the time it has expired “if the party failed to act because of excusable neglect”). Although the Unopposed Motion does not discuss either the good cause or excusable neglect standards, the Unopposed Motion does

state that Defendants move to amend their Answer based on evidence obtained during discovery. (Doc. 29 ¶ 3). Given the lack of opposition to the Unopposed Motion, the Court assumes Defendants were diligent in seeking leave to amend their answer following their discovery of the evidence on which the amendment is based. Accordingly, the Court also finds good cause to amend the Scheduling Order and excusable neglect to extend the November 11, 2024 deadline and allow Defendants to file the amended answer.

IT IS HEREBY ORDERED that the Defendants are granted leave to file Defendants' First Amended Answer to Complaint. Defendants are directed to file their First Amended Answer to Complaint forthwith but no later than **April 2, 2025**.

IT IS SO ORDERED this 26th day of March, 2025.

A handwritten signature in black ink, reading "Kevin Sweazea". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE